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BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER, TON, ANABEL	
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			2875	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/075,964

Applicant(s)

KERR, DUNCAN

Examiner

Anabel M. Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-11,13-20,22-31,36-51,56-67 and 69-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,13-20,22-31,36-51,56-67 and 69-74 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the present claims have been considered but are moot in view of the new ground(s) of rejection. Claims will be rejected over Dowling (6,888,322), which antedates applicant's claim for priority with a provisional application filed July 28, 2000 (60/221,579).

### ***Claim Objections***

2. Claim 48 is objected to because of the following informalities: Applicant claims a first and second light source in a first and second housing. Applicant refers back to "the light source" in line 9, it is unclear which light source applicant is intending to refer back to. Appropriate correction is required.
3. As best understood the following rejection applies

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1,4-11,13,18-20,22-31,36-47,56-67,69,70,72-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling (6,888,322).

6. Dowling discloses an illuminable housing capable of being illuminated by light (202), the housing being configured to enclose internal components associated with the operation of the computing device (fig 2); and a controllable light emitting device disposed inside the illuminable housing (204), the light emitting device being configured to produce an adjustable light effect for coloring or patternizing the illuminable housing in order to significantly alter the ornamental appearance of the housing of the computing device(col. 4 lines 4-20), the light emitting device including a light source configured to generate the light so as to illuminate the interior of the illuminable housing(col. 3 lines 16-33), the light illuminating an inner surface of a housing wall to effect an appearance change in an outer surface of the housing wall(col. 4 lines 34-44).

- The light source includes at least one light emitting diode; the light source includes a plurality of light emitting diodes; each of the light emitting diodes generate the same color of light; each of the light emitting diodes generate individually different colors of light; the light emitting diodes cooperate to produce a light effect having a single color; the light emitting diodes cooperate to produce a light effect having a plurality of colors; wherein the light emitting diode array includes a blue, red and green light emitting diode(col. 4 lines59-67,col. 5 lines47-65)

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- The plurality of light emitting diodes are integrated into a light emitting diode array (col. 6 lines 1-5).

• An illuminable housing capable of being illuminated by light, the housing being configured to enclose internal components associated with the operation of the computing device; and a controllable light emitting device disposed inside the illuminable housing, the light emitting device being configured to produce an adjustable light effect for colorizing or patternizing the illuminable housing in order to significantly alter the ornamental appearance of the housing of the computing device, the light emitting device including a light source configured to generate the light so as to illuminate the interior of the illuminable housing, the light illuminating an inner edge of a housing wall to effect an appearance change in an outer edge of the housing wall.

(202,204, col. 4 lines 4-20, col.3 lines 16-33, fig 2);

- A reflector for redirecting the Light to locations within the illuminable housing (col. 3 lines 26-30).
- The light emitting device further comprises a light source controller in communication with the light source, said light source controller being configured to process light commands to produce the light in a controlled manner via the light source (col. 3 lines 49-66);
- The housing wall is capable of producing a characteristic glow at the outer periphery of the housing wall when the light is transmitted through the housing wall (col. 4 lines 10-44);

- Wherein the illuminable housing is configured to cover and protect the internal components (Fig 2).
- The internal components comprise a processor (col. 3 lines 51 and 64).
- The internal components comprise a display controller (col. 4 lines 5-14)
- Wherein the internal components comprise a display that is distinctly separate from the light emitting device (fig 2, screen, inherently does not correspond to the lighting device providing the illuminated display to the housing in particular since Dowling does not teach it as so, but moreover since inherently the front screen/display of any general purpose computer is independent of any lighting device placed for aesthetic purposes to the housing, see Sheinberg);
- Wherein the internal components comprise an input or output device (col. 5 line 19-25)
- The light effect is static (col. 5 lines 9-10).
- The light effect is dynamic (col. 4 lines 15-26),
- An illuminable housing capable of being illuminated by light; and a controllable light emitting device disposed inside and in optical communication with the illuminable housing, the light emitting device being configured to produce an adjustable light effect that provides illumination for coloring or patternizing the illuminable housing in order to significantly alter the ornamental appearance of the housing of the general purpose computer (see above).
- The general-purpose computer is a desktop computer (col. 3 line 2).
- The general-purpose computer is a laptop computer (col. 3 line 2).

- A computer system having a housing for enclosing at least one component of the computer system, the housing having a light passing wall, the computer system comprising: a light source disposed inside the housing, the light source being configured to generate light; a light controller operatively coupled to the light source, the light source controller being configured to control the light source so as to illuminate at least a portion of the light passing wall of the housing with the light generated by the light source, the light source being dedicated to illuminating the light passing wall; and a processor configured to carry out operations associated with the computer system, the processor being operatively coupled to the light source controller (202,204, fig 2, col. 3 lines 49-65, lines 18-29)
- The processor is disposed inside the housing (inferred by col. 3 lines 49-65);
- A light source disposed inside the housing, the light source being configured to generate light for the computer system a light controller operatively coupled to the light source, the light source controller being configured to control the light source so as to illuminate at least a portion of the light passing wall of the housing with the light generated by the light source, the light source being dedicated to illuminating the light passing wall; a display that is internally or externally positioned relative to the housing, the display being configured to present text or graphics for the computer system; and a display controller operatively coupled to the display and configured to process display commands to produce text or graphics on the display (202, 204, col. 3 lines 1-43).

- The display is disposed inside the housing (fig 2);
- The display controller is disposed inside the housing (fig 2, in the case of a laptop computer the screen/display controller is disposed inside the housing, col. 3 line 2).
- A computer system having a housing for enclosing at least one component of the computer system, the housing having a light passing wall, the computer system comprising: a light source disposed inside the housing, the light source being configured to generate light; a light controller operatively coupled to the light source, the Light source controller being configured to control the light source so as to illuminate at least a portion of the light passing wall of the housing with the light generated by the light source, the light source being dedicated to illuminating the light passing wall (see above); and an input/output controller configured to control interactions with one or more input/output devices that can be operatively coupled to the computer system (keyboard, mouse, fig 2) .
- The input/output controller is disposed inside the housing (in the case of a laptop computer inherently all controllers are disposed inside the housing col. 3 line 2).
- A computer system having a housing for enclosing at least one component of the computer system, the housing having a light passing wall, the computer system comprising: a light source disposed inside the housing, the light source being configured to generate light a light controller operatively coupled to the light source, the light source controller being configured to control the light source so as to illuminate at least a portion of the light passing wall of the housing with the



light generated by the light source, the light source being dedicated to illuminating the light passing wall(see above); a processor configured to carry out operations associated with the computer system, the processor being operatively coupled to the light source controller; a display; a display controller operatively coupled to the processor and the display, the display controller being configured to process display commands to produce text or graphics on the display; and an input/output controller operatively coupled to the processor, the input/output controller being configured to control interactions with one or more input/output devices that can be operatively coupled to the computer system(fig 2, computer system, inherently in a laptop embodiment all components, controllers are located inside the housing, Dowling anticipates such an embodiment).

- Housing is configured to enclose the light source controller, the processor, the display, the display controller, the input/output controller and at least one input/output device (inherently in a laptop embodiment all components, controllers are located inside the housing, Dowling anticipates such an embodiment, col. 3 line 2).
- Wherein the housing is configured to enclose at least one input/output device (keyboard, inherently in a laptop embodiment all components, controllers are located inside the housing, Dowling anticipates such an embodiment, col. 3 line 2).

- A housing including one or more walls that define the outer peripheral form of the general purpose computer, one of the walls having an illuminable portion configured to allow the passage of light therein; a controllable light emitting device enclosed by the housing, the light emitting device being configured to produce an adjustable light effect for colorizing or pattenizing the illuminable portion; and a processor enclosed by the housing, the processor being configured to at least partially control the operations of the general purpose computer (see citations above).
- A second processor enclosed by the structural housing, the second processor being configured to control the light emitting device so as to produce a light effect (Dowling suggests a first and second processor, one that controls the computer commands independently of the light source processor commands illuminating the housing).
- The illuminable portion constitutes a substantial portion of the entire housing ((202)
- The illuminable portion constitutes the entire housing (202).
- The illuminable portion constitutes one or more walls of the housing (202).
- The illuminable portion constitutes a part of two or more walls of the housing (202).
- The illuminable portion constitutes a part of a wall of the housing (202)
- The area of the illuminable portion is substantially larger than any of buttons, connectors or indicators located on the housing (202);

- A computing device comprising an enclosure having an illuminable wall in optical communication with a light source disposed inside the enclosure, and a control means for varying a characteristic or attribute of the light generated by the light source, said illuminable wall and said light source working together to emit a characteristic glow at a peripheral portion of said enclosure, wherein the illuminable wall helps to structurally support the internal components of the computing device in their assembled position within the enclosure and wherein the illuminable wall is formed translucent or semi translucent material(see citations above including col. 3 lines 14-20).
- Wherein the enclosure defines the outer peripheral form of the computing device (202).
- The illuminable wall includes a light directing element configured to scatter light from the light source, the scattered light helping to form the characteristic glow (col. 3 lines 24-30);
- A computing device comprising an enclosure having an illuminable wall in optical communication. With a light source disposed inside the enclosure, and a control means for varying a characteristic attribute of the light generated by the light source, said illuminable wall and said light source working together to emit a characteristic glow at a peripheral portion of said enclosure, the illuminable wall including a light directing element configured to scatter light from the light source, the scattered light helping to form the characteristic glow, wherein the light

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directing element is an additive disposed inside the illuminable wall (col. 3 lines 16-32).

- A computing device comprising an enclosure having an illuminable wall in optical communication with a light source disposed inside the enclosure, and a control means for varying a characteristic or attribute of the light generated by the light source, said illuminable wall and said light source working together to emit a characteristic glow at a peripheral portion of said enclosure, the illuminable wall including a light directing element configured to scatter light from the light source, the scattered light helping to form the characteristic glow, wherein the light directing element is a textured surface of the illuminable wall (col. 3 lines 16-32).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling as applied to claim 1 above, and further in view of Scheinberg (6,030,088).

9. Dowling discloses the claimed invention as stated above. Dowling does not teach a light pipe or a lens. Scheinberg discloses a fiber optic distribution network/light pipe

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connected to the light source located within a computer housing to distribute light from the light source throughout the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a optical distribution network as taught by Scheinberg in the device of Dowling for the purpose of distributing light throughout the housing of Dowling. One would have been motivated to modify Dowling with Scheinberg to distribute light to a desired area of the housing as taught by Scheinberg. With regards to the recitation of a lens, the optical distribution of Scheinberg, as broadly interpreted, encompasses a lens (a transparent object having optical properties), therefore the above rejection applies.

10. Claims 48-51,71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling.

11. Dowling discloses the claimed invention except for the recitation of a second housing and second light source. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a second housing and second light source in the device of Dowling since Dowling discloses that the lighting system may be applied to multiple devices associated with a computer (col. 3 lines 1-5) therefore implementing a second one of a housing a light source would have been useful to also illuminate another housing associated with the computer device. One would have been motivated to provide the modification to Dowling as shown above for the purpose of providing another computer component housing with an aesthetically pleasing light effect.

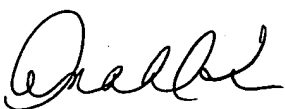
- With regards to the light controller operatively coupled to the second light source the light source controller being configured to control the second light source so as to illuminate at least a portion of the second light passing wall of the housing with the light generated by the second light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a connection between the light controller and a second light source for the purpose of providing a simultaneously controlled light display between the first and second light source.
- With regards to claim 51 and the housing further includes one or more opaque walls that cooperate with the one or more light passing walls to define the shape of housing, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an opaque wall in the device of Dowling, since the courts have stated that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art. *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). In this case applicant is using the opaque wall to aesthetically modify the display of the housing.
- With regards to claim 71 and the light directing element being a coating applied to the illuminable wall, it would have been obvious to one of ordinary skill in the art to use a coating as a light directing element in the device of Dowling since Dowling discloses that its light directing element can be introduced/added to the material on the inner surface of the housing and the process of coating a light

directing element (i.e. reflective coating, diffusive coating, textured coating) to the inside of the device of Dowling would have been well within ordinary skill since the examiner takes Official Notice of coating by means of sputtering, spraying, adhering etc. to apply a desired material to a surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AMT

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Examiner  
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